

Message

From: Cora, Lori [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C8850941BF1540C796559DCE75C2F5EE-CORA, LORI]
Sent: 10/22/2018 9:51:01 PM
To: Glazer, Thomas [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6578deb6a4b042ffbe42a9854429feb5-Glazer, Tho]; Steiner-Riley, Cara [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0bef7d04f2e64e4b8b90235a30cc7109-Steiner-Riley, Cara]
Subject: RE: Oregon List **Deliberative Process / Ex. 5**

Hi, Tom. Thanks for forwarding this communication. Your summary did a good job of simplifying a complicated record and issue. **Attorney Client / Deliberative Process / Ex. 5**

Attorney Client / Deliberative Process / Ex. 5

Regarding the 2015 District court decision **Attorney Client / Deliberative Process / Ex. 5**

Attorney Client / Deliberative Process / Ex. 5

Thanks again for your help with this matter.

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From: Glazer, Thomas
Sent: Monday, October 22, 2018 2:02 PM
To: Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Cora, Lori <Cora.Lori@epa.gov>
Subject: FW: Oregon List **Deliberative Process / Ex. 5**

See below. Please don't forward any further.

From: Fotouhi, David
Sent: Friday, October 19, 2018 7:43 PM
To: Glazer, Thomas <glazer.thomas@epa.gov>
Cc: Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Schroer, Lee <schroer.lee@epa.gov>
Subject: RE: Oregon List **Deliberative Process / Ex. 5**

Thanks for the detailed background, Tom. **Attorney Client / Deliberative Process / Ex. 5**

Attorney Client / Deliberative Process / Ex. 5

Attorney Client / Deliberative Process / Ex. 5

Let's discuss further next week. Thanks so much.

Best,

David

David Fotouhi

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From: Glazer, Thomas
Sent: Friday, October 19, 2018 5:23 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Schroer, Lee <schroer.lee@epa.gov>
Subject: Oregon List Deliberative Process / Ex. 5

David,

I mentioned in Reg Review a few weeks ago that we have a difficult 303(d) list decision pending in Oregon. Deliberative Process / Ex. 5
Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 Meanwhile, we have received a mandatory duty NOI (attached) from the Center for Biological Diversity (CBD) seeking to compel action on the State's list including on this issue in particular. Deliberative Process / Ex. 5 We successfully defended an approval on this issue against CBD in a previous cycle, Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 I summarize the substantive issue below, but the immediate reason for this e-mail is that John Goodin will be speaking to Dave Ross on Monday and we've been asked to provide OGC views. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5 I wanted to give you this background so you can think about what you might be comfortable with folks saying to Dave. Maybe we can catch you for a couple of minutes on this before or after Hot Issues on Monday AM.

Deliberative Process / Ex. 5

We approved Oregon's and Washington's decisions not to list in the 2010 listing cycle and CBD sued in the Western District of Washington. Although the Judge upheld our approval, the opinion (attached) went pretty deep into the science and the decision turned in part on the fact that "the record evinces no documentation of adverse effects on wild aquatic life populations in Washington or Oregon attributable to ocean acidification." *Ctr. for Biological Diversity v. EPA*, 90 F. Supp. 3d 1177, 1209 (W.D. Wash. 2015).

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

At the staff level

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

I'll try to touch base with you on this on Monday, but let me know if you have any questions in the meantime. (Sorry for the tight timing, I only found last night that John was planning to talk to Dave about this on Monday.)

Tom Glazer
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